

CITY OF NEWTON, MASSACHUSETTS

CONSERVATION COMMISSION

RULES AND REGULATIONS

Revised : October 22, 2009

ARTICLE 1 PURPOSE

The Newton Conservation Commission is established under Sec. 22-20 of the Revised Ordinances of the City of Newton to protect, promote and develop the natural resources of the city, to conduct research into the city's natural resources and seek to coordinate the activities of unofficial bodies organized for similar purposes; prepare and amend a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the comprehensive plan and with any regional plans relating to the area; acquire, in the name of the city, open spaces within the city, and manage and control the same; adopt rules and regulations governing the use of land and waters under its control.

ARTICLE 2 MEMBERSHIP

Section 1. Number, Appointment, Term, and Vacancies

The Commission shall consist of seven (7) members and not more than four (4) alternate members who shall be residents of the City of Newton and who shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen, in accordance with Section 2-8.

In order to stagger the expiration of their terms, the initial terms of the alternate members shall be as follows: one member shall be appointed for one (1) year; two members shall be appointed for three (3) years. All alternate member appointments subsequent to the initial appointments shall be for a term of three (3) years.

A member or alternate member shall serve for a term of three (3) years and continue to serve after the expiration of his term until a successor has been appointed and has qualified. Terms expire on April 30th of the third year.

Vacancies shall be filled for the period of the unexpired term in the same manner as original appointments.

Section 2. Voting Rights

At every regular or special meeting of the Commission, each member shall be entitled to one (1) vote, in person, on each matter submitted to a vote of the Commission.

If appointed in place of an absent member in the manner described in Article 3, Section 6, each alternate member shall be entitled to the voting rights of members, as described herein.

Section 3. Resignation or Removal

A member or alternate member may resign by delivering his or her written resignation to the Mayor with a copy to the Commission at the office of the Planning Department. Such resignation shall be effective immediately.

A member or alternate member may be removed for cause by a majority vote of the Commission, with the consent of the Mayor. Failure to attend three (3) consecutive meetings of the Commission without sufficient excuse shall be grounds for removal. Any member or alternate member proposed to be removed shall be entitled to at least ten (10) days notice in writing, by mail, prior to the meeting at which such vote for removal will take place. A member or alternate member has a right to request and receive a hearing before the Commission prior to removal.

ARTICLE 3 MEETINGS OF THE COMMISSION

Section 1. Regular Meetings

The Commission shall meet at least monthly, unless there shall be no scheduled business for that month.

Section 2. Special Meetings

Special meetings of the Commission may be called at any time, and with proper notice, by the Chairman or other presiding officer or by a majority of the members and shall be held at such time and for such purposes as may be specified in the call for said meeting. At such special meeting, no business shall be considered other than as designated in the notice.

Section 3. Place of Meetings

All meetings of the Commission shall be held in the City of Newton and in the absence of specific designation will be held at Newton City Hall.

Section 4. Public Notice

There shall be no meeting of the Commission unless notice of a regular or special meeting shall have been given to the public, in accordance with the General Laws of the Commonwealth, and, at least forty-eight hours in advance of said meeting.

Section 5. Notice of Meetings to Members and Alternate Members

Written notice of regular and special meetings of the Commission, stating date, hour and place thereof and the purpose for which the meeting is being held shall be given by the Chairman or his/her designee, at least five (5) days prior to the scheduled date of the meeting, to each member and alternate member of the Commission.

Section 6. Quorum

A quorum shall consist of the presence of a majority of the members of the Commission then in office. A duly called regular or special meeting of the Commission shall not be organized for the transaction of business unless a quorum is present.

If a quorum is not present for a meeting or an agenda item, the Chairman may appoint as many alternate members as is needed to achieve a quorum. Alternate members selected to serve in this capacity shall have the same authority and voting rights as members for the duration of the appointment..

The members and alternate members who are entitled to voting rights at any meeting of the Commission are designated as voting members.

Section 7. Action of Meetings

All recommendations or other actions of the Commission shall be voted upon and passed by a majority of the voting members present at a regular or special meeting as long as the voting members present represent a quorum.

Alternate members not appointed to serve in place of absent members may participate in meetings, contribute to discussion and help formulate actions or recommendations, but they shall not vote

Section 8. Presiding Officers

The elected Chairman of the Commission or his/her designee shall preside at all regular or special meetings of the Commission. In the event of the Chairman's absence or disability, the Vice Chairman shall perform the duties of the Chairman.

Section 9. Minutes of Meetings

The Chairman shall ensure that minutes are kept of each meeting. Minutes of meetings shall contain date, place, members present and members absent, actions taken and signature of person taking minutes. Minutes shall be forwarded to the Commission for review at least five (5) days prior to the next scheduled meeting.

Section 10. Meetings open to the Public

Meetings shall be open to the public. Members of the public in attendance may not speak unless invited to do so by the Chairman.

ARTICLE 4 COMMITTEES

The Commission may from time to time by majority vote appoint such standing or temporary committees as they may consider appropriate. The Commission may delegate to the Chairman or other presiding officer the power to appoint committees of members to conduct functions in the course of the Commission's business. Temporary committees shall be discharged upon acceptance of their final reports.

ARTICLE 5 OFFICERS

Section 1. Elections

Members shall elect a Chairman, a Vice-Chairman and a Clerk each year after the appointments have been confirmed.

Section 2. Vacancies

If any officer position becomes vacant by reason of death, resignation, removal, disqualification, or otherwise, the Chairman may choose a successor or successors, who shall hold office for the balance of the term.

ARTICLE 6 CONFLICT OF INTEREST

A member or alternate member must disclose to the Commission any conflict of interest in any matter being considered by the Commission and shall not participate in any manner in the proceedings dealing with that matter except as may be permitted by law.

ARTICLE 7 EXTERNAL COMMUNICATIONS

External communication of policies, programs or other matters relating to the Commission should be made on behalf of the Commission only by the Chairman or his/her designee. Except as specified above, public statements relating to such

matters by individual Commission members, alternate members or staff shall clearly disclose the fact that the statement is not one of the Commission.

Requests for information on matters of public record, such as the approved minutes of meetings, should be referred to the Chairman or his/her designee.

ARTICLE 8 STAFF SUPPORT

The Director of Planning, in consultation with the Chairman, shall designate a staff member to support the Commission.

ARTICLE 9. AMENDMENTS

Any part or all of these bylaws may be altered, amended or repealed by a two-thirds (2/3) vote of the voting Commission members present at a regular or special meeting of the Commission duly called for that purpose, provided that notice for such meeting was mailed to the Commission no less than five (5) days before such meeting.

GOVERNING LAWS

Chapter 22, Article I, Sec. 22-20 of the Revised Ordinances of the City of Newton.

Chapter 2, Sec. 2-8 of the Revised Ordinances of the City of Newton.

Chapter 39, Sec. 23 of the Commonwealth of Massachusetts General Laws (Open Meeting Law.)

Chapter 40, Sec. 8C of the Massachusetts General Laws (Conservation Commission)

M E M O R A N D U M

TO: David Olson, CITY CLERK

FROM: Anne Phelps, SR. ENVIRONMENTAL PLANNER

DATE: February 1, 2010

RE: CONSERVATION COMMISSION RULES & REGULATIONS

At their October 22, 2009 meeting, the members of the Conservation Commission adopted the attached Rules & Regulations.

**cc: E. McGettigan Law Dept.
ConCom Members**